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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1335 OF 2007

Vidyadhar Bala Magdum & others Petitioners
versus
Bala Nana Magdum & others Respondents

Mr.Amit Sale for petitioners.

CORAM : A.S.OKA, J.

DATE : 01st March 2007

PC :

1. The petitioners who are the original defendants applied for holding an enquiry under the provision of Rule 5 of Order XXII of Code of Civil Procedure, 1908. By the impugned order dated 14th July 2006 the said application has been rejected. The order impugned is interlocutory in nature. Apart from this fact, the learned Trial Judge while passing the impugned order, has not decided the issue regarding validity of the will in dispute. On the contrary, the learned Judge has observed that at this stage that the enquiry is not necessary and all issues relating to will will be decided

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while deciding the suit.

2. In view of what is stated above the petition is not entertained. The same is rejected.

(A.S.OKA, J.)